THE HON'BLE MR. JUSTICE L. NARASIMHA REDDY

W.P.No.5569 of 2007

Dated 20-03-2007

Between:

Darsi Sudhakara Rao,

…Petitioner

And

The Commissioner and Inspector General of Registration and Stamps, Government of A.P., Hyderabad and others

…Respondents

THE HON'BLE MR. JUSTICE L. NARASIMHA REDDY

W.P.No.5569 of 2007

JUDGMENT:

Petitioner claims to be a member of Vasavi Academy of

Education, the 2nd respondent herein, which was registered under the A.P. (Telangana Area) Public Societies Registration Act, 1350 Fasli. He addressed a letter to the 1st respondent, stating that the respondents 3 to 10, who are managing the affairs of the society, have violated several provisions of the A.P. Societies Registration Act, 2001 (for short '*the Act*'), be it, in the context of holding elections to the managing committee, or utilization of funds etc.

It was also alleged that in violation of Section 77 of the Act, the said respondents are being paid salary from the funds of the society. The 1st respondent replied through his letter dated 26-10-2006, stating that he has no power or competence to deal with the allegations made by the petitioner, and if so advised, he can work out his remedies under Section 23 of the Act. The petitioner feels aggrieved by the said letter.

Heard the learned counsel for the petitioner and learned Government Pleader for Revenue.

Unlike the A.P. Co-operative Societies Act, and the A.P. Mutually Aided Societies Act, the Societies Registration Act does not provide for any regulatory powers in the Registrars. Once a society is registered under the Act, the function of the 1st respondent *vis-à-vis* that society, virtually ceases, except in the context of recording amendments, or updating the information, relating to the society. It is no doubt true, that the 2001 Act mandates that periodical elections must be held to the managing committee, and prescribes other measures to be followed by the societies. However, when it comes to the question of enforcement of the same, the only remedy provided to the aggrieved party is, to approach the Civil Court, under Section 23 of the Act. Barring that, there is no other remedy. The letter addressed by the

1st respondent accords with the scheme of the Act, and this Court does not find any illegality or infirmity in it.

Sri V.Rajagopal Reddy, learned counsel for the petitioner, submits that, the petition, if filed under Section 23 of the Act, may take its own time for disposal, and the various misdeeds, that are occurring in the society, will go unchecked. If he is so advised, the petitioner can impress upon the concerned Court, where the petition is to be filed, and if necessary, seek interim directions also.

The writ petition is accordingly disposed of, leaving it open to the petitioner to work out his remedies, under Section 23 of the Act. The Court, in which such petition may be filed, shall endeavour to dispose of the same, as expeditiously as possible, in accordance with law. There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.20-03-2007.
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